

VI. TEXT AMENDMENTS

Where sections of the Draft EIR have been amended, new wording is underlined and deleted wording is lined out. ~~Deleted.~~

INTRODUCTION

Revise the second paragraph as follows:

The report covers Santa Clara Square LLC's Planned Development rezoning application to allow the construction of a mixed use development of up to 490 residential units, up to 12,300 square feet of office space and up to 171,000 square feet of commercial/retail space on approximately 12.6 acres on the southwesterly quadrant of El Camino Real and Lawrence Expressway. The 171,000 square feet of commercial/retail space includes ~~141,711~~ 147,741 square feet of commercial/retail space that is currently on the site.

TABLE OF CONTENTS

Add the following as the last item under III. Potentially Significant Environmental Impacts:

O. Global Climate Change

Add the following as the second item in Appendix A:

Sanitary Sewer General Plan Text Amendment

Revise the Appendix B – Technical Appendix list as follows:

Geotechnical Investigation, and Response Letter and Review Letter

SUMMARY

Revise the Summary as necessary in accordance with the Text Amendments.

I. A. LOCATION

page 1 Revise the first paragraph as follows:

The project site is located at 3610 and 3700 El Camino Real, at the southwesterly quadrant of El Camino Real and Lawrence Expressway, in the City of Santa Clara. The site includes the following Assessor's Parcel Number(s): 313-06-002 and -004.

I. C. DESCRIPTION

page 11 Revise the second paragraph as follows:

PLANNED DEVELOPMENT ZONING

The project is a Planned Development rezoning application to allow the construction of a mixed use development consisting of single family attached residential units above office and commercial/retail space on approximately 12.6 acres. The project includes up to 490 residential units (including 10 percent affordable housing), up to 171,000 square feet of commercial/retail space and up to 12,300 square feet of office space. The residential units will be separately sold condominiums. The 171,000 square feet of commercial/retail space includes ~~141,711~~ 147,741 square feet of commercial/retail space that is currently on the site. The existing ~~105,000~~ 111,495 square foot Kohl's store will remain and the free-standing restaurant space along El Camino Real and the commercial/retail space east of the Kohl's building will be incorporated into the new commercial/retail space. The buildings to be removed are shown on the following Buildings to be Removed exhibit, Figure 10.

page 11 Revise the fourth paragraph as follows:

The site plan and building massing are designed to create a central entry drive that will be the focus of social activity on site. Two cross aisles will provide access across the site from Halford Avenue. A regular block layout of buildings will organize the site with design focus on the connection between storefronts, sidewalk and drive lane. Building heights will be reduced along El Camino Real (5 stories in height) and particularly along the southerly boundary (6 stories in height and located more than 70 feet from the existing 2-story residential buildings). Eight-story buildings comprised of four-story residential buildings with mezzanines-lofts in the uppermost units, are on top of four-level structured parking (95100 feet, 8 inches overall building height, maximum) for are within the center of the project along Lawrence Expressway and the mid-site portion along Halford Avenue away from El Camino Real and the adjacent residential property. These taller buildings will allow for concealed structured parking, 360° views of the surrounding bay and mountains, and interior courtyards that provide active and/or passive recreational opportunities.

page 13 Revise the fourth paragraph as follows:

Office

Office condominiums are proposed to be on the second level of a two-story building adjacent to the existing Kohl's at the west edge of the site on Halford Avenue. ~~The parking for this area is intended to be the surface parking at the southern property line.~~

page 13 Revise the fifth paragraph as follows:

Police Substation

Approximately 1,000 to 1,500 square feet of office space is to be reserved for a police substation within the project in the northwesterly corner of Building VI.

page 13 Revise the sixth paragraph as follows:

Residential

The residential units will afford a more urban setting balanced with tranquil courtyards. Buildings II, III, IV, V, and VI will have attractive lobbies providing access up to the units. The lobbies in buildings II and V will feature sales offices, small meeting areas, comfortable sitting rooms and a distinctive entrance, different from the adjacent ground floor retail storefronts. While the units to the exterior of the building will have views of the site and unobstructed views of the surroundings, interior units will have views into the courtyards on top of the structural podium that separates parking from residential floors. These courtyards will provide private open space. It is proposed that a mixture of 1-, 2-, and 3-bedroom units be located on each residential floor with some upper floor units having second floor mezzanine-loft space within each unit, taking advantage of the views of the area.

page 14 Revise the first paragraph as follows:

Unit Types

The units are planned to be one and two-story, light steel frame structures with stucco exteriors. Many units have a private balcony. Proposed unit sizes area as follows:

Plan	No. of Stories	No. of Bedrooms	No. of Baths	Square Footage
Flat	1	1	1	675 to 750
Flat	1	2	2	1,015 to 1,314
Flat	1	3	2 to 2.5	1,350 to 1,273
Loft	2	1 to 3	1 to 2.5	1,100 to 1,450

page 14 Revise the second paragraph as follows:

Recreation Facilities

Private open space and recreation facilities planned with the project include approximately 13,600 square feet on the podium of Building II, 17,600 square feet on the podium of Building V, and 19,300 square feet on the podium of Building VI; amenities each will include a children's playground, small picnic area with grass and small shade trees, paved areas, furniture and different seating areas. In addition, the courtyard of Building V is to have grass areas and "picnic"-style seating areas. The courtyard of Building II is to have children's play equipment. Fitness rooms are also to be included with the project. The project meets City Parks and Recreation Department requirements for open space.

pages 14 and 15 Revise the Parking / Circulation section as follows:

Access

Primary commercial access is to be provided by a right-in, right-out-only driveway at the center of the El Camino Real frontage, maintaining ~~three~~two existing driveways along Halford Avenue. A third driveway adjacent to the southern property line on Halford Avenue will be secured by a gate and will be used for deliveries and emergency access only. A continuous route around the site is provided for fire protection and service. Truck docks, trash enclosures, and maintenance areas are situated in the parts of buildings away from the main entry drive.

pages 14-15 Revise the Parking / Circulation section as follows:

Parking / Circulation

The parking layout and circulation are designed for retail, office and residential ~~uses within multiple access points back to retail shops.~~ ~~To minimize the parking impact on the site, f~~Four levels of structured parking is are proposed in Buildings II and V and three levels in Building VI. The ground level of Building II and the ground and second levels of Buildings V and VI are designated for mixed-use parking for the retail and office uses and as guest parking for the residential units~~fits within the building envelope with the upper levels being secured residential parking only.~~ The secured parking spaces for residential occupants only will be located on the second, third and fourth levels of Building II, the third and fourth levels of Building V and third level of Building VI. There are several points of entry for the parking ~~structureds parking~~ to minimize onsite congestion.

Parking ordinance ratios of 5 spaces per 1,000 square feet of retail space, 3.33 spaces per 1,000 square feet of office space, and 2 spaces for each residential unit would require a total of ~~1,937~~1,876 spaces. The Transit-Oriented Mixed Use Combining Zoning District (TMU District) encourages high density residential use in ~~elose~~proximity to multiple transit lines and in conjunction with commercial development. The TMU District provides for reduced parking because increased transit accessibility and mixed land use can reduce vehicle trips and vehicle demand. The TMU District allows a reduction in parking of up to 15 percent of the required parking spaces. While the proposed project will not be processed as a zoning application under the TMU ~~zoning d~~District because it exceeds the height requirement, it meets the TMU District requirements of being a high density residential use in ~~elose~~proximity to multiple transit lines and in conjunction with commercial development, and would qualify for reduced parking on that basis. The project's proposed ~~1,672~~1,762 parking spaces, that are approximately a ~~14~~6 percent reduction, would, therefore, be sufficient.

In addition to the TMU District reduction comparison, a shared parking evaluation, that is included in the Technical Appendix, was performed by Hexagon Transportation Consultants, Inc. The evaluation is based on survey results compiled by the Urban Land Institute and the methodology presented in their *Shared Parking* guide. The analysis indicates that the parking demand for the proposed land uses is staggered throughout the day. The highest combined peak

parking demand would be between 6:00 p.m. and 8:00 p.m., when 1,520 spaces are needed. The project's proposed ~~1,672-1,762~~ parking spaces would, again, be sufficient. The availability of spaces for shared use ~~is~~ would be 692-919 spaces, or ~~41-52~~ percent. A total of ~~980-843~~ spaces are ~~reserved-secured~~ for residential tenants only (2 spaces per unit).

The Zoning Ordinance Parking Regulations section requires that when there are mixed (multiple) uses on one site or in the same building, the parking provided shall meet Ordinance requirements for each of those uses. However, based on the above discussion of parking reductions available for TMU District projects, the applicant is requesting that a parking reduction of 6 percent be granted. Since this project is not being processed as a TMU District project, A-a Variance to the total number of parking spaces is required in conjunction with the Planned Development zoning to approve the proposed reduction in parking from 1,876 spaces to 1,762 spaces.

A total of 919 spaces will be designated as shared parking between residential, retail and office that will be accessible to the general public. These spaces will be located on the ground level of Building II, the ground and second levels of Buildings V and VI, and along the center aisle and southerly boundary, as shown in the following Parking Analysis Diagram.

page 15 Add the following before Exterior Lighting:

Bicycle Parking

The project will include approximately 35 Class II bicycle racks on the ground level. In addition, there are approximately 208 5-foot x 9-foot Class I bicycle storage lockers located on the third and fourth parking levels of Buildings II and V.

page 16 Add the following after Grading:

Phasing

The estimated completion times of the phases are:

<u>Phase</u>	
<u>1</u>	<u>12 months</u>
<u>2</u>	<u>18 months – cannot be started until Phase 1 is complete</u>
<u>3</u>	<u>24 months</u>
<u>4</u>	<u>24 months</u>

Note: Phases 3 and 4 can be constructed at the same time.

pages 17 and 18 Revise the Project Data table as follows:

Table 1. Project Data

Category	Figure
Maximum Building Height (feet)	95 <u>100'8"</u>
Floor Area Ratio (FAR) excluding structured parking	1.5 <u>21.31</u>
Floor Area Ratio (FAR) including structured parking	2.6 <u>52.30</u>
Parking Provided (<i>spaces</i>)	
Residential <u>secured</u>	98 <u>0843</u>
Shared	919
Total	1,672 <u>1,762</u>
Phasing	
Phase One	Building I
Phase Two	Demolition of shops east of Kohl's
Phase Three	Building VI
Phase Four	Demolition of restaurant Police Substation
Residential	Buildings IV and V
Estimated Number of Condominium Units	Demolition of restaurant
One bedroom units	Buildings II and III
Two bedroom units	
Three bedroom units	
Total	6685
Estimated School Children	332334
K-12 (0.54 <u>0.11/du</u>)	9271
	490
	250 <u>54</u>

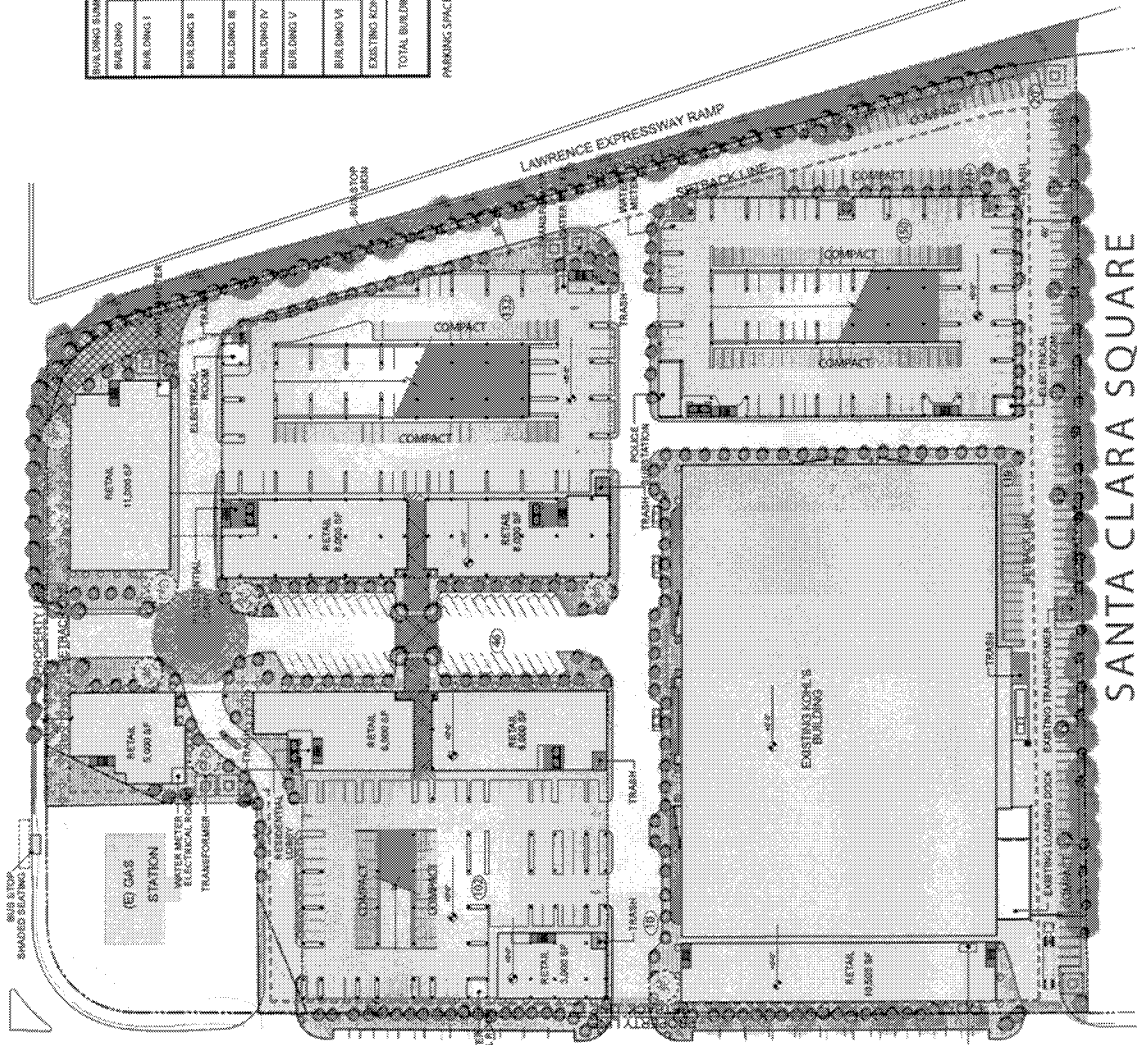
pages 19, 20 and 21 Replace the First Level Plan, Figure 11; Fifth Level Plan, Figure 12; and Eighth Level Plan, Figure 13 with the following plans.

II. B. THE CITY OF SANTA CLARA GENERAL PLAN 2000 - 2010

page 30 Revise the response to the Environmental Quality Element (Open Space) Policy No. 29 as follows:

Private open space and recreation facilities planned with the project include approximately 13,600 square feet on the podium of Building II, 17,600 square feet on the podium of Building V, and 19,300 square feet on the podium of Building VI; ~~amenities each~~ will include a children's playground, small picnic area with grass and small shade trees, paved areas, furniture and different seating areas. In addition, the courtyard of Building V is to have grass areas and "picnic"-style seating areas; the courtyard of Building V will be landscaped with in-ground landscaping, as this building will be designed to accommodate the necessary depth of soil. The courtyards in Buildings II and VI will be landscaped using portable elements like flower bins and potted trees; the courtyard of Building II is to have children's plan equipment. fFitness rooms, community rooms and reading rooms are also to be included with the project.

EL CAMINO REAL



SHARED PLANTING

RETAIL 11,200 SF

RETAIL 5,000 SF

RETAIL 6,000 SF

RETAIL 6,000 SF

RETAIL 6,000 SF

RETAIL 6,000 SF

RETAIL 6,000 SF

RETAIL 6,000 SF

RETAIL 6,000 SF

RETAIL 6,000 SF

RETAIL 6,000 SF

RETAIL 6,000 SF

RETAIL 6,000 SF

RETAIL 6,000 SF

RETAIL 6,000 SF

RETAIL 6,000 SF

RETAIL 6,000 SF

RETAIL 6,000 SF

RETAIL 6,000 SF

RETAIL 6,000 SF

RETAIL 6,000 SF

RETAIL 6,000 SF

RETAIL 6,000 SF

RETAIL 6,000 SF

RETAIL 6,000 SF

RETAIL 6,000 SF

RETAIL 6,000 SF

RETAIL 6,000 SF

RETAIL 6,000 SF

RETAIL 6,000 SF

RETAIL 6,000 SF

RETAIL 6,000 SF

RETAIL 6,000 SF

RETAIL 6,000 SF

RETAIL 6,000 SF

RETAIL 6,000 SF

RETAIL 6,000 SF

RETAIL 6,000 SF

RETAIL 6,000 SF

RETAIL 6,000 SF

RETAIL 6,000 SF

RETAIL 6,000 SF

RETAIL 6,000 SF

RETAIL 6,000 SF

RETAIL 6,000 SF

RETAIL 6,000 SF

RETAIL 6,000 SF

RETAIL 6,000 SF

RETAIL 6,000 SF

RETAIL 6,000 SF

RETAIL 6,000 SF

RETAIL 6,000 SF

RETAIL 6,000 SF

RETAIL 6,000 SF

RETAIL 6,000 SF

RETAIL 6,000 SF

RETAIL 6,000 SF

RETAIL 6,000 SF

RETAIL 6,000 SF

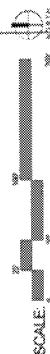
RETAIL 6,000 SF

RETAIL 6,000 SF

- KEY
- RETAIL
 - LOBBY
 - PARKING
 - VERTICAL CIRCULATION
 - OFFICE SPACE
 - EXISTING BUILDINGS
 - UTILITY
 - SHARED AMENITIES
 - TRANSFORMER AREA
- CLASS II BICYCLE PARKING
locations of approximately 35
on grade bicycle parking spaces
throughout the site. (title block)



A-257



THE PLANS AND SPECIFICATIONS ARE PREPARED BY PERKOWITZ + RUTH, INC. FOR THE PROJECT AND ARE NOT TO BE USED FOR ANY OTHER PROJECT WITHOUT THE WRITTEN CONSENT OF PERKOWITZ + RUTH, INC. THE PLANS AND SPECIFICATIONS ARE NOT TO BE USED FOR ANY OTHER PROJECT WITHOUT THE WRITTEN CONSENT OF PERKOWITZ + RUTH, INC.

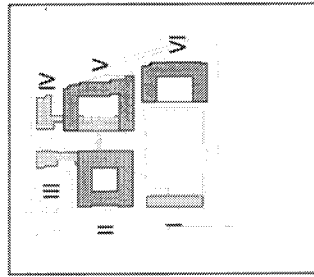
Perkowitz + Ruth
ARCHITECTS

600 JEFFERSON AVENUE, SUITE 200, SAN FRANCISCO, CA 94102

BUILDING	SUMMARY	SQUARE FEET	CONSTRUCTION TYPE	# OF STORIES	APPROX. HEIGHT
BUILDING I	M (10,000 SF) R (17,300 SF)	27,300 SF	Type IV*	2	40'
BUILDING II	M (17,000 SF) R (170,400 SF)	187,400 SF	Type I*	8 + Mezzanine	52'-8"
BUILDING III	M (10,000 SF) R (117,000 SF)	127,000 SF	Type III*	5	65'
BUILDING IV	M (16,000 SF) R (100,000 SF)	116,000 SF	Type III*	5	65'
BUILDING V	M (100,000 SF) R (50,124 SF)	150,124 SF	Type I*	8 + Mezzanine	92'-8"
BUILDING VI	R (85,000 SF) R (100,500 SF)	185,500 SF	Type III*	8	75'
EXISTING BUILDINGS		111,400 SF			
TOTAL BUILDING AREA		1,153,540 SF			

* Allly sprinklered

PARKING SPACES ON FIRST FLOOR LEVEL: 587



BUILDING NO. KEY PLAN

Site Plan-First Level

SHEET 06

PR

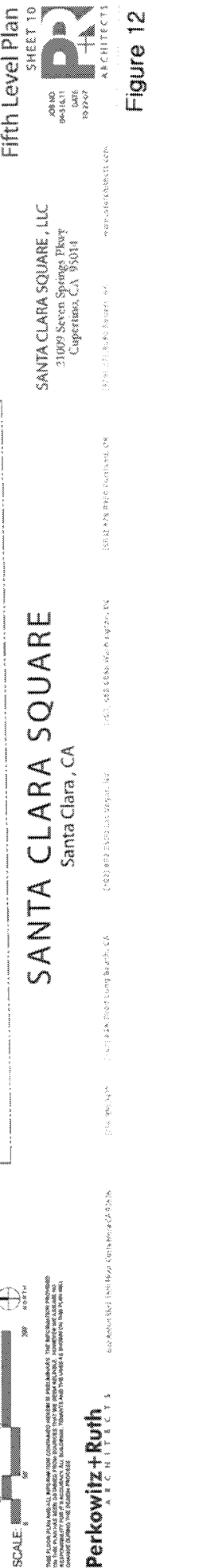
ARCHITECTS

SANTA CLARA SQUARE, LLC

21000 Seven Springs Pkwy

Capitola, CA 95014

Figure 11



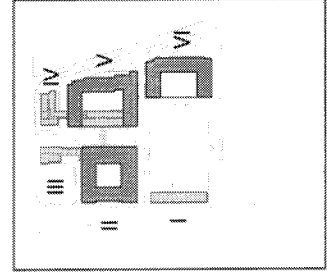
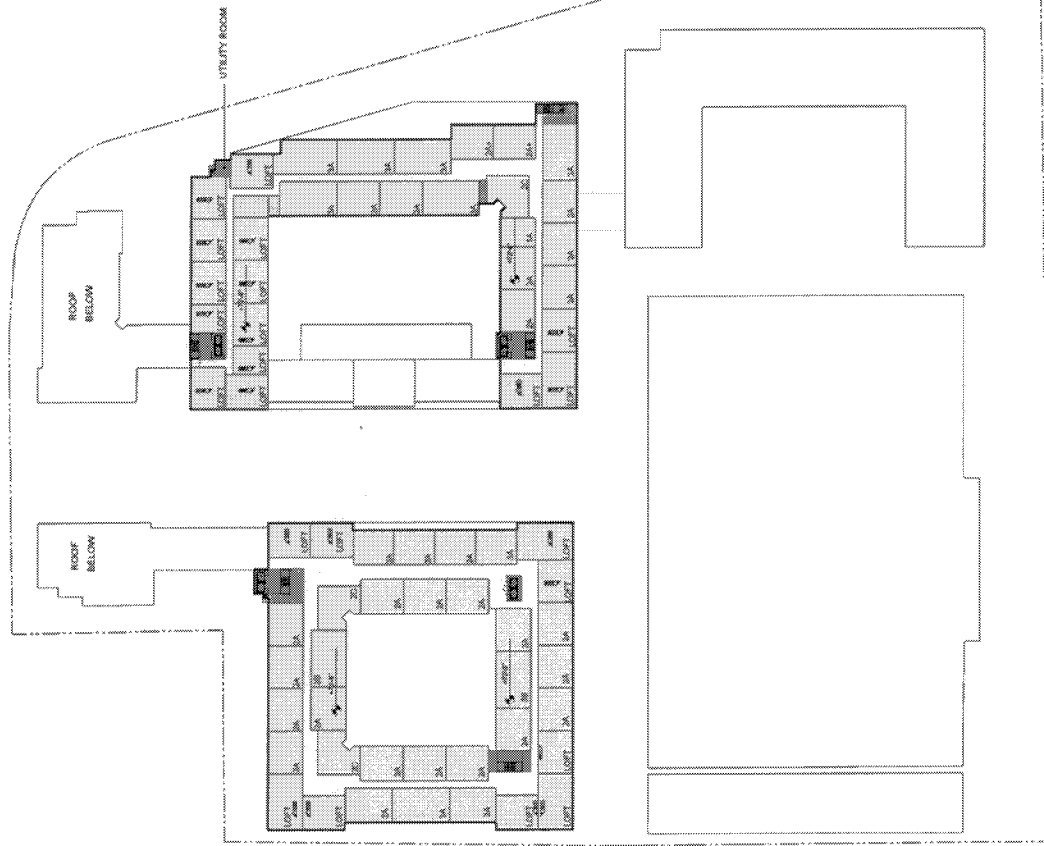
- KEY
- RESIDENTIAL
 - LOBBY
 - PARKING
 - VERTICAL CIRCULATION
 - OFFICE SPACE
 - EXISTING BUILDINGS
 - UTILITY
 - STORAGE
 - HALLWAY
 - SHARED AMENITIES

A-259

SCALE: 0' 10' 20'

NOTES:
 1. THIS PLAN IS A PRELIMINARY DESIGN. IT IS NOT TO BE USED FOR CONSTRUCTION.
 2. THE DESIGN IS BASED ON THE INFORMATION PROVIDED BY THE CLIENT. THE DESIGNER IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED.
 3. THE DESIGNER IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED.

Perkowitz + Ruth
 ARCHITECTS



BUILDING NO. KEY PLAN

SANTA CLARA SQUARE Santa Clara, CA

SANTA CLARA SQUARE, LLC
 21669 Seven Springs Drive
 Cupertino, CA 95014

Eighth Level Plan
 SHEET 14
PR
 ARCHITECTS
 JOB NO. 0451611
 DATE 08-19-07
 www.prkowitzeruth.com

Figure 13

III. A. AESTHETICS

page 34 Revise the first paragraph as follows:

The current view of the project site consists primarily of retail commercial establishments, a large parking area, trees and landscaping, which can be seen in the preceding photographs, Figures 8 and 9. All of the buildings in the immediate area are one or two story except for the three-story bank across El Camino Real.

Almost all of the buildings along El Camino Real in Santa Clara to the east and Sunnyvale to the west are one or two stories. There is a three-story mixed-use project in Santa Clara at Flora Vista and there is a four-story hotel and a four-story retirement facility to the west in Sunnyvale.

page 34 Revise the fourth paragraph as follows:

The current view of the site consists of retail commercial establishments, a large parking area, trees and landscaping as shown on the preceding photographs, Figures 8 and 9. The project would remove the restaurant building and the existing frontage parking area along El Camino Real, and construct a high quality mixed use development with street-level ~~office-commercial~~ and/or commercial-office with housing above while keeping the existing Kohl's store. The project would provide prominent entries from El Camino Real and Halford Avenue, and would place the majority of parking out of public view. The existing and future views of the site are shown on the following Conceptual Future Views photographs.

page 34 Add the following after the fourth paragraph:

The proposed buildings would be the tallest buildings on El Camino Real in Santa Clara and the adjacent city of Sunnyvale. The two buildings along El Camino Real are five stories and the two in the center of the site are eight stories. They would be visible from El Camino Real and Lawrence Expressway as well as from the surrounding streets and properties.

page 34 Revise the last paragraph as follows:

Trees

There are 157 trees on the site, as described in section III. D. Biological Resources. Approximately ~~one-third~~ one half of the trees would be removed as part of the project. The trees that are removed would be replaced with new trees at a 2:1 ratio to the maximum extent feasible on the project site or elsewhere in the City.



Existing View



Conceptual Future View

Viewing Northeasterly from Halford Avenue North of Lillick Drive

Conceptual Future View



Existing View



Conceptual Future View

Viewing Southeasterly from El Camino Real West of Halford Avenue

Conceptual Future View



Existing View



Conceptual Future View

Viewing Southwesterly from Lawrence Expressway North of El Camino Real

Conceptual Future View



Existing View



Conceptual Future View

Viewing Northwestly from Lawrence Expressway South of El Camino Real

Conceptual Future View

page 35 Revise the first and second Mitigation Measures as follows:

Trees

- Approximately ~~one hundred ninety~~ (10090) existing trees along the ~~southwesterly, southerly~~ and easterly site boundaries shall be retained with the project.
- Any tree that is removed shall be replaced by new trees at a 2:1 ratio to the maximum extent feasible on the project site or elsewhere in the City.

III. C. AIR QUALITY

page 37 Revise the first paragraph as follows:

Donald Ballanti conducted an air quality impact analysis that is included in the Technical Appendix. Global climate change is discussed in section III. O. Global Climate Change.

III. D. BIOLOGICAL RESOURCES

page 44 Add the following as the second and third paragraphs:

Raptors

All raptors (i.e., eagles, hawks and owls) and their nests are protected under both Federal and State regulations. The Federal Migratory Bird Treaty Act prohibits killing, possessing or trading in migratory birds except in accordance with regulations prescribed by the Secretary of the Interior. This Act encompasses whole birds, parts of birds and bird nests and eggs. Birds of prey are protected in California under the State Fish and Game Code. Section 3503.5 states that it is “unlawful to take, possess, or destroy any birds in the order Falconiformes or Strigiformes (birds of prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto.” Construction disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes nest abandonment and/or loss of reproductive effort is considered “taking” by the DFG. Any loss of fertile eggs or nesting raptors, or any activities resulting in nest abandonment would constitute a significant impact. Construction activities such as tree removal, site grading, etc., that disturb a nesting raptor onsite or immediately adjacent to the site constitute a significant impact.

The project site contains trees that may provide suitable habitat for tree-nesting raptors; however, no raptor nests are currently known to exist on the site. The site does not provide suitable habitat for burrowing owls.

page 44 Revise the third and fourth paragraphs as follows:

Trees

There are 157 trees on the project site, ranging in diameter from 6 to 28 inches. Approximately ~~one hundred ninety (10090)~~ trees along the ~~southwesterly~~, southerly and easterly site boundaries are currently planned to be retained with the project. Trees to remain would be safeguarded during construction by a Tree Protection Plan, including measures such as the storage of oil, gasoline, chemicals, etc. away from trees; grading around trees only as approved, and prevention of drying out of exposed soil where cuts are made; no dumping of liquid or solid wastes in the dripline or uphill from any tree; and construction of barricades around the dripline of the trees.

~~Sixty-two~~Seventy (6270) trees are planned to be removed with the project, as indicated on the Existing Trees table and Trees to be Removed exhibit in the Technical Appendix. Although this is not considered a significant impact since no Heritage Tree would be removed, any tree that is removed would be replaced with the addition of new trees at a 2:1 ratio to the maximum extent feasible on the project site, as follows:

<u>< 12 inches</u>	<u>15-gallon container</u>
<u>> 12 inches</u>	<u>24-inch box</u>

~~however, d~~Due to the density of the project, there are not a lot of opportunities available to plant new trees. Any trees that cannot be planted onsite will be installed elsewhere within the City limits under the supervision of the City Arborist. The number and locations of the trees will be designated on the project Landscape Plan that ~~is being~~will be prepared, but is not available to incorporate into this report.

page 45 Add the following as the third paragraph:

Raptors

The project site provides potentially suitable habitat for tree-nesting raptors. The site does not currently contain any known raptor nests; however, pre-construction surveys for nesting raptors should be conducted.

page 45 Revise the Mitigation Measures Included in the Project as follows:

Active Raptor Nests

- If possible, construction should be scheduled between September and December (inclusive) to avoid the raptor nesting season. If this is not possible, pre-construction surveys for nesting raptors shall be conducted by a qualified ornithologist to identify active raptor nests that may be disturbed during project implementation. Between January and April (inclusive) pre-construction surveys shall be conducted no more than 14 days prior to the initiation of construction activities or tree relocation or removal. Between May and August (inclusive), pre-construction surveys shall be conducted no more than 30 days prior to the initiation of these activities. The surveying ornithologist shall inspect all trees in and immediately

adjacent to the construction area for raptor nests. If an active raptor nest is found in or close enough to the construction area to be disturbed by these activities, the ornithologist shall, in consultation with the California Department of Fish and Game, designate a construction-free buffer zone (typically 250 feet) around the nest. The applicant shall submit a report to the City's Planning Director indicating the results of the survey and any designated buffer zones to the satisfaction of the City's Planning Director prior to the issuance of any grading or building permit.

page 45 Revise the Conclusion as follows:

The project's impact on biological resources would be a less-than-significant impact. Pre-construction surveys for nesting raptors and avoidance and/or mitigation measures if nesting raptors are found onsite would reduce any impact on biological resources to a less-than-significant impact with mitigation.

III. E. CULTURAL RESOURCES

page 47 Revise the first paragraph as follows:

Prehistoric / Historic Resources

There is no evidence of recorded prehistoric and/or historic sites inside the project boundaries, and only one historic site is recorded within 500 feet of the project site. The proximity of Calabazas Creek, however, indicates the project area has the potential for containing buried archaeological resources, in particular under the pavement of the existing parking lots where previous construction-related earthmoving may have been minimal. There is a possibility that unknown subsurface cultural resources may exist on the site. In addition, there is the possibility that unknown subsurface cultural resources may be discovered during the upgrading of the underground electric distribution systems across El Camino Real.

page 48 Add the following as the last mitigation measure:

El Camino Real (SR 82)

- Should construction activities occur in the State right-of-way and there is an inadvertent archaeological or burial discovery, in compliance with CEQA, PRC 5024.5 (for State-owned historic resources) and Caltrans Standard Environmental Reference (SER) Chapter 2, all construction within 50 feet of the find shall cease; the Caltrans Cultural Resource Study Office, District 4, shall be immediately contacted; a Caltrans staff archaeologist shall evaluate the find within one business day after contact; and if significant, a mitigation program including collection and analysis of the materials prior to the resumption of work, inclusion on the California Register of Historic Resources if warranted, preparation of a report, and curation of the materials at a recognized storage facility shall be developed and implemented under the direction of the Caltrans staff archaeologist.

III. G. GEOLOGY AND SOILS

page 51 Revise the first paragraph as follows:

Terrasearch, Inc. conducted a geotechnical investigation and prepared a response letter and a review letter that is-are included in the Technical Appendix.

NOTE: The December 4, 2003 response letter was included in Appendix B of the Draft EIR, but was not originally noted here. The May 2, 2007 review letter is a new letter that is included in the Appendix of this document.

page 55 Add the following as the first General mitigation measure and revise the first existing mitigation measure as follows:

General

- The geotechnical investigation by Terrasearch, Inc. shall be updated based on the current plans.
- All earthwork and foundation plans and specifications shall comply with the recommendations of the updated geotechnical investigation by Terrasearch, Inc. The current geotechnical report lists approximately 55 recommendations that are included in the project for demolition, grading, excavation, foundations, retaining walls, slabs-on-grade, concrete flatwork, pavement design and utility trenches, most of which reflect standard engineering practices that are not required to mitigate environmental impacts. The recommendations that specifically address potential geotechnical hazards found on the site are included below.

III. I. HYDROLOGY AND WATER QUALITY

page 62 Revise the third and fourth paragraphs as follows:

Stormwater runoff and pollution can be reduced by the use of bioswales and pervious paving a combination of interlocking pavers, pervious concrete or asphalt pavement, and grass pavers. ~~Bioswales are open, shallow channels with vegetation covering the side slopes and bottom that collect and slowly convey runoff flow to downstream points.~~ Pervious paving Interlocking pavers, pervious concrete or asphalt, and grass pavers reduces runoff by allowing a portion of water to filter into the natural ground. They ~~both also~~ reduce the quantity and improve the quality of runoff.

~~The project includes bioswales along the easterly, southerly and westerly perimeters and a~~ All of the surface pavement in the project will be pervious pavement interlocking pavers, pervious concrete or asphalt. The fire lane along the easterly boundary will be grass pavers. Runoff from impervious areas (roofs and concrete sidewalk) will be drained onto pervious areaspavement and routed to the bioswales and then a perforated pipe system below the swales that will connect to the storm drainage system. The calculations to meet C.3 requirements and the plan showing the bioswales pavement types are included in the Technical Appendix. Additional, more detailed, plans and calculations will be provided with each phase prior to the approval of a grading permit to show that it conforms to C.3 requirements.

page 63 Revise the second Water Quality Project Mitigation Measure as follows:

- The project shall incorporate the following site design, source control, and treatment measures to minimize the discharge of stormwater pollutants:
 - ~~• Bioswales shall be incorporated into the stormwater drainage design.~~
 - Pervious paving—A combination of interlocking pavers, pervious concrete or asphalt pavement, and grass pavers shall be used throughout the project to meet C.3 requirements, to the satisfaction of the Street / Storm Maintenance Superintendent.
 - Roof drains shall discharge and drain to the pervious pavement.
 - Detailed plans shall be provided with each phase of the project prior to the approval of a grading permit to meet C.3 requirements, to the satisfaction of the Street / Storm Maintenance Superintendent.

III. J. LAND USE AND PLANNING

page 64 Revise the third and fourth paragraphs as follows:

Existing Use

The project site is currently commercial. All of the structures on the site are single story, although Kohl's has a partial interior mezzanine. Previous uses of the site include: rural residential and/ or agriculture.

Surrounding Uses

Land uses surrounding the project site include: transportation (El Camino Real) and retail commercial to the north and northwest; transportation (Lawrence Expressway) to the east; and single family attached moderate density residential to the south and southwest. The structures in the surrounding area are all one or two story except for the three-story bank across El Camino Real.

page 65 Revise the first paragraph under Impact and Mitigation as follows:

Compatibility

The project would ~~change~~ make the land use on the site conform to the General Plan land use designation by changing from commercial use to mixed residential, office and commercial use in accordance with. The 5-, 6- and 8-story buildings would be the tallest buildings on El Camino Real and in the area. Building VI is the closest building to the southerly boundary and is set back 53 feet. There is an existing 8-foot masonry wall along the property line and a row of 20- to 40-foot-tall trees that will be supplemented with new trees where needed.

The proposed project would provide site entry points and onsite circulation to minimize offsite traffic congestion, and would incorporate lowered building massing along the existing residential development to the south and existing and/or new tree screenings along the southwesterly, and southerly ~~and easterly~~ site boundaries to promote compatibility with the

existing residential areas to the south and southwest. With the incorporation of these measures, the proposed mixed residential, office and commercial use would be compatible with the surrounding area. Development of the project site would introduce new buildings, parking areas and landscaping to the area. These uses would change the view of the site and would generate increases in traffic, noise and air pollution in the area that would not be significant.

pages 65 and 66 Revise the second and third Mitigation Measures as follows:

- The project buildings shall have a ~~55~~53-foot setback from the southerly property line.
- Existing ~~and/or~~ new tree plantings along the southwesterly; and southerly ~~and easterly~~ boundaries shall provide landscape screening for the existing residential developments to the southwest and south.

page 66 Revise the Conclusion as follows:

The design of site entry points and onsite circulation to minimize offsite traffic congestion, the provision of a ~~55~~53-foot setback from the southerly property line, and the incorporation of tree screenings along the site's southwesterly; and southerly ~~and/or easterly~~ boundaries would reduce the project's impact on land use and planning to a **less-than-significant impact with mitigation**.

III. K. NOISE

page 69 Revise the second paragraph as follows:

The City has not specified noise criteria for outdoor use spaces; however, the Noise and Land Use Compatibility Guidelines in the General Plan seem to suggest that outdoor residential uses be limited to areas where the DNL does not exceed 70 dB. Buildings II, V and VI include outdoor space on a podium at the fourth or fifth level. These areas would be protected from traffic noise by the surrounding structure and would have DNL levels well below 70 dB. ~~The proposed building in the northeast corner of the site includes a fifth floor outdoor use space adjacent to Lawrence Expressway. While estimated future noise levels exceed 70 dB DNL, incorporating a solid noise barrier that blocks the line of sight between people in the open space and vehicles on Lawrence Expressway would reduce noise levels to below 70 dB DNL.~~ To the extent that exterior balconies are planned along El Camino Real or Lawrence Expressway, inseting them into the building shell and/or incorporating rail-height shielding from roadway traffic noise should be considered.

page 72 Revise the second Mitigation Measure as follows:

- Exterior balconies along El Camino Real or along Lawrence Expressway shall be inset into the building shell and/or incorporate rail-height shielding from roadway traffic noise.

page 72 Delete the third Mitigation Measure as follows:

- ~~• A solid noise barrier shall block the line of sight between vehicles on Lawrence Expressway and people in the fifth floor outdoor open space on the building in the northeast corner of the site.~~

page 73 Add the following as the last Mitigation Measure:

- If pile driving is necessary, pile driving construction hours shall be limited to 8:00 a.m. to 5:00 p.m. Monday through Friday, with half-hour breaks every three hours, and no pile driving on the weekends.

III. L. PUBLIC SERVICES

page 74 Revise the first paragraph as follows:

Schools

The project site is in the Santa Clara Unified School District (K-12). Students from the project are expected to attend:

School	Address	Capacity
Laurelwood Elementary	955 Teal Drive, Santa Clara	close to
Peterson Middle	1380 Rosalia Avenue, Sunnyvale	close to <u>has room</u>
Wilcox High	3250 Monroe Street, Santa Clara	impacted <u>close to</u>

~~All of the schools~~ Laurelwood Elementary School and Wilcox High School are close to ~~or at~~ capacity. Busing is not provided.

page 75 Revise the third and fourth paragraphs as follows:

Schools

Residential

The residential portion of the project would add additional students to the Santa Clara Unified School District, as follows:

School	Capacity	Generation Factor	No. of Students
Laurelwood Elementary	close to	na	na
Peterson Middle	close to <u>has room</u>	na	na
Wilcox High	impacted <u>close to</u>	na	na
0.510.11/du (K-12)			250 <u>54</u>

Based on the district generation factor listed above, which was determined through a 2004 study, the project could generate a total of up to ~~250~~ 54 students. All three schools have adequate capacity for the anticipated number of students from this development. This is not considered to have a significant physical effect on the environment.

page 75 Revise the fifth paragraph as follows:

The State School Facilities Act provides for school district impact fees for elementary and high schools and related facilities as a condition of approval of residential projects. The one-time fee, which is based on the square footage of new habitable residential construction, would be paid prior to the issuance of a building permit in accordance with California Government Code Section 65996. Under State law, the payment of school impact fees is considered to provide school facilities mitigation under CEQA.

page 76 Revise the first paragraph as follows:

The State School Facilities Act provides for school district impact fees for elementary and high schools and related facilities as a condition of approval of non-residential projects, when a link is found between the new non-residential development and the need for schools. The one-time fee, which is based on the square footage of newly constructed non-residential (commercial and industrial) use, would be paid prior to the issuance of a building permit in accordance with California Government Code Section 65996. Under State law, the payment of school impact fees is considered to provide school facilities mitigation under CEQA.

page 76 Revise the third paragraph as follows:

Parks and Recreation

Residential

Project residents would increase the demand for public park facilities; however, there are currently two developed City of Santa Clara parks within the project vicinity, although they are across major roadways. Residents from the project could elect to go to Raynor Park in Sunnyvale, which is a similar distance away but does not require crossing Lawrence Expressway. The use of parks in adjoining cities is common when the location of the park is more convenient or desirable.

Private open space and recreation facilities planned with the project include approximately 13,600 square feet on the podium of Building II, 17,600 square feet on the podium of Building V, and 19,300 square feet on the podium of Building VI; amenities each will include a children's playground, small picnic area with grass and small shade trees, paved areas, furniture and different seating areas. In addition, the courtyard of Building V is to have grass areas and "picnic"-style seating areas. The courtyard of Building II is to have children's play equipment. Fitness rooms are also to be included with the project.

page 76 Revise the sixth paragraph as follows:

Police Protection

The Santa Clara Police Department provides police protection for the city. No additional police personnel or equipment are expected to be necessary to serve the project, however, an approximately 1,000 square foot police substation will be incorporated into the office portion of the project northwesterly corner of Building VI.

III. M. TRANSPORTATION / TRAFFIC

page 81 Revise the second paragraph as follows:

Public Transit

Public transit is provided in the project area by the Santa Clara Valley Transportation Authority. Routes 22 (Eastridge to Palo Alto/Menlo Park), ~~300 (Limited Route - San Jose to Palo Alto)~~ and 522 (Rapid Route - Eastridge Transit Center to Palo Alto Transit Center) travel along El Camino Real; and Route 328 (Limited Route - Almaden/Camden to Lockheed) travels along Lawrence Expressway, with stops near El Camino Real. Rapid Route 522 stops at Lawrence Expressway. The project site is not located within the vicinity of a light rail station. In addition, the Lawrence Caltrain Station at 137 San Zeno Way, Sunnyvale, is located approximately 1.25 miles to the north.

page 82 Revise the second note beneath Table 7. Project Traffic Generation as follows:

** Includes ~~105,000-111,495~~ sf existing retail (Kohl's) to remain.

page 82 Add the following note beneath Table 7. Project Traffic Generation as follows:

NOTE: The above table and following analysis overstate the added project trips by approximately 10 percent. When the traffic analysis was prepared, the size of the existing retail did not include the 6,000 sf mezzanine in the Kohl's store. With this increase, the existing retail square footage is 147,711 sf, and the existing daily trips increase from 8,518 to 8,877. The number of net added project trips then decreases approximately 10 percent from 3,850 (12,368 - 8,518) to 3,490 (12,368 - 8,877). Thus, the project impacts would be slightly less than those described in this section.

page 87 Revise the third paragraph as follows:

Site Access

The existing driveways serving the site may need to be reconstructed, but the project is not proposing any additional access points. The site will continue to be served by one right-in/right-out-only driveway along El Camino Real and ~~three-two~~ full access driveways and one gated driveway along Halford Avenue.

pages 87-88 Revise the last paragraph as follows:

Halford Avenue

~~Three-Two~~ unrestricted driveways will serve the project site along Halford Avenue. It is likely that the driveways along Halford Avenue will serve the majority of the residential project traffic.

Signal warrant checks were conducted for each of the driveways along Halford Avenue. The results indicated that none of the driveways would meet signal warrants with the addition of project traffic. The warrants are not met because traffic volumes along Halford Avenue are relatively low.

III. N. UTILITIES AND SERVICE SYSTEMS

Sanitary Sewers

See the revised Sanitary Sewer section that follows on pages A-279 through A-284.

page 91 Revise the first full paragraph as follows:

Solid Waste / Recycling

Office / Commercial

~~There are several solid waste disposal service companies available for office / commercial purposes in Santa Clara. Mission Trail Waste Systems is the exclusive franchise hauler for commercial solid waste and recycling, and is the only hauler that can charge for services in this area. They are using the Newby Island sanitary landfill disposal site, and/or the Kirby Canyon disposal site. Newby Island which has an estimated service life of 30 years. Kirby Canyon has an estimated service life of up to 50 years.~~

page 94 Revise the fourth paragraph as follows:

Water Supply

Water for the project site is provided by the City of Santa Clara. The 8-inch water lines in Halford Avenue, El Camino Real, and through the project site are available and adequate to serve the project. Extensions within the project would be provided. The project would require approximately 157 acre-feet of water per year, based on the following residential and office / commercial daily use breakdown. According to the City Water and Sewer Utilities Department, based on their latest 2005 Urban Water Management Plan, there is adequate water supply to serve the project.

page 95 Revise the second full paragraph as follows:

Solid Waste / Recycling

Office / Commercial

~~There are several solid waste disposal service companies available for office / commercial purposes in Santa Clara. Commercial solid waste disposal service for the project site is provided by Mission Trail Waste Systems. The office portion of the project is estimated to generate up to approximately 6 tons of solid waste per year, based on 20 pounds per 1,000 square feet per week. The commercial portion of the project is estimated to generate up to approximately 89 tons of solid waste per year, based on 20 pounds per 1,000 square feet per week. These amounts could be reduced with recycling.~~

Construction/Demolition Debris

Projects over the size of 5,000 square feet are subject to the requirements of the City's mandatory Construction & Demolition Debris Recycling Ordinance. Permit applicants are required to submit an Initial Checklist and Recycling Report demonstrating that over 50 percent of the debris generated from the project has been recycled.

page 95 Revise the fourth full paragraph as follows:

Electric Service

There is existing City of Santa Clara / Silicon Valley Power electric service in the area that would be extended as required to serve the project. There is sufficient capacity in this utility system to provide adequate project service; however the existing underground distribution system will become inadequate to serve the additional load created by the project.

The project will require upgrading of the underground electric distribution system onsite, as well as offsite work to install electric facilities and substructures across El Camino Real to tie and integrate the underground distribution system. Crossing El Camino Real can be accomplished by jack and bore to reduce impacts on traffic. The upgrading of the system and crossing of El Camino Real will provide the capacity to serve the added load. Crossing the major street that divides the underground system and interconnecting the distribution feeders with bridge main cables will also improve the service reliability of the surrounding neighborhood.

page 96 Add the following as the last mitigation measure:

Electric Service

- The onsite and offsite underground electric distribution systems shall be upgraded to include facilities and substructures across El Camino Real.

page 96a Add the following section:

III. O. GLOBAL CLIMATE CHANGE

(See following pages A-285 through A-288 for text)

IV. CUMULATIVE IMPACTS

page 97 Add a second paragraph as follows:

In 2007, the City of Santa Clara conducted a feasibility study regarding construction of a new professional football stadium near the intersection of Great America Parkway and Tasman Boulevard. The study, which was an examination of potential financing models, construction issues, redevelopment matters, and other issues germane to such a project, determined that the stadium project is feasible but that there remain many outstanding issues requiring resolution. The next step of preliminary negotiations, which are non-binding, is to further examine issues and clarify and document understandings and guarantees of all parties involved. These negotiations will be contained in a Term Sheet agreement. An EIR is also being prepared. Any particular project construction, financing and location parameters are purely speculative at this point and there are no impacts that are reasonably foreseeable as a result of the Term Sheet agreement stage. Therefore, the potential stadium is not included in this EIR's consideration and evaluation of potential cumulative impacts.

page 107 Add the following to the end of the list:

Roger Barnes, Business Administrator, Santa Clara Unified School District

Lori Paolinetti, Principal, Laurelwood Elementary School

Larry Wolfe, Director, Parks and Recreation Department, City of Santa Clara

Sayed Fakhry, Acting Traffic Engineer, Engineering Department, City of Santa Clara

Dave Staub, Solid Waste Superintendent, Street Department, City of Santa Clara

Mike Keller, Division Manager, Electric Department, City of Santa Clara

Chris de Groot, Compliance Manager, Water and Sewer Utilities Department, City of Santa Clara

Officer Serna, Santa Clara Police Department

Chris Miner, Manager, Lucky Supermarket

Roger W. Shanks, Roger Shanks Consulting

XIII. SOURCES AND REFERENCES

page 110 Add the following to the end of the list before the Consultants' Reports:

Letter to Kevin Ma Re: Sanitary Sewer Improvements Needed for the BRE Development at El Camino Real and Lawrence Expressway. Rajeev Batra, Director of Public Works, City of Santa Clara, July 10, 2007

Sanitary Sewer Outlet Charge for New Developments Report, City of Santa Clara, May, 2007

TECHNICAL APPENDIX

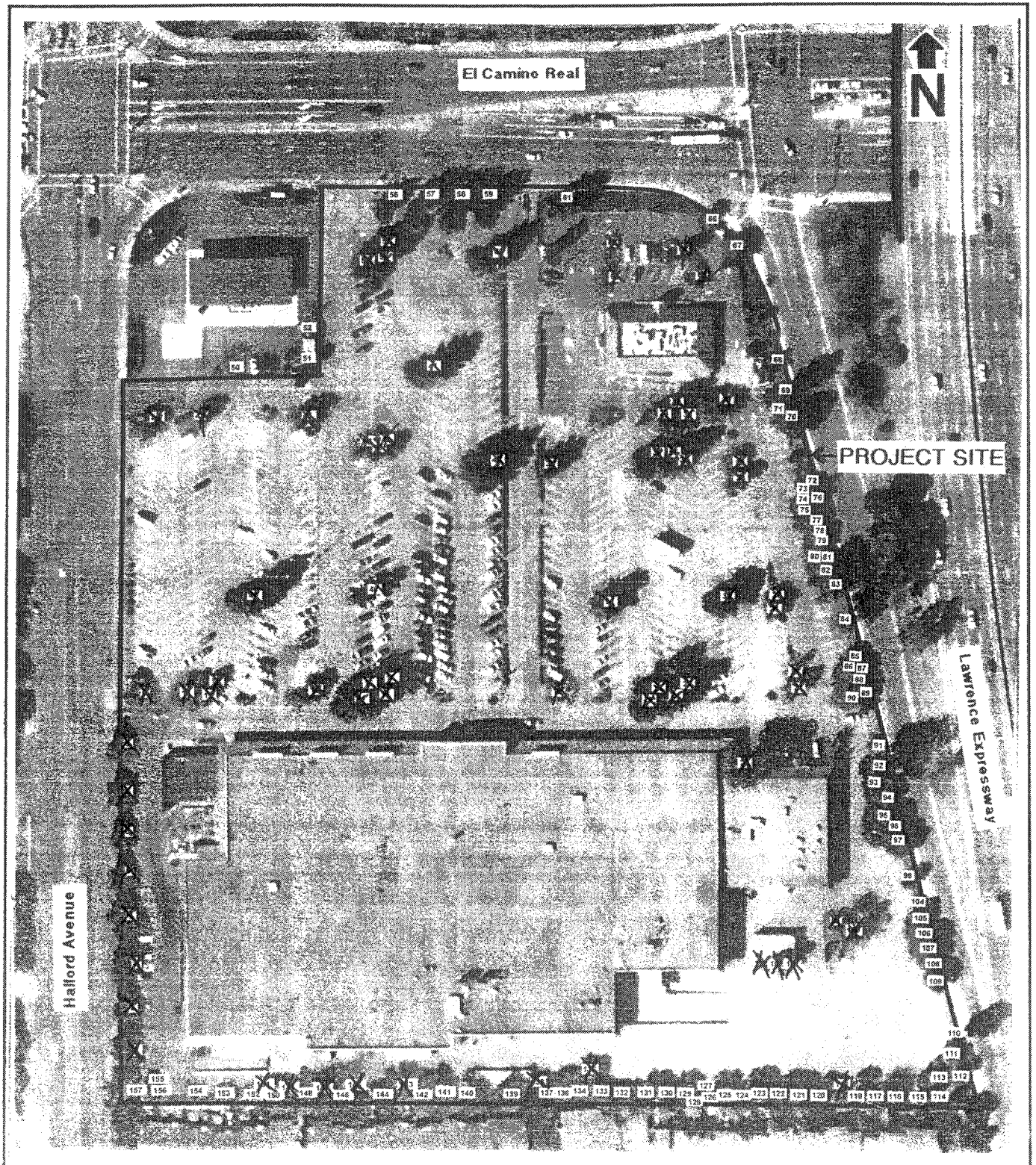
Add the following to the Technical Appendix List of included subconsultants' reports in the report document and in Appendix B – Technical Appendix (a separate document); and include the document in Appendix B:

Geotechnical Investigation Review Letter, Proposed New Development, Santa Clara Square, Halford Avenue, Santa Clara, California, Terrasearch, Inc., May 2, 2007

Revise the Existing Trees table and Trees to be Removed figure in Appendix B as follows:

Existing Trees

No.	Scientific Name	Common Name	Diameter * (inches)	General Condition	To Be Removed
1.	<i>Phoenix canariensis</i>	Canary Island Pine	20	Fair	<u>X</u>
2.	<i>Phoenix canariensis</i>	Canary Island Pine	17	Good	<u>X</u>
3.	<i>Phoenix canariensis</i>	Canary Island Pine	17	Good	<u>X</u>
4.	<i>Phoenix canariensis</i>	Canary Island Pine	22	Good	<u>X</u>
5.	<i>Phoenix canariensis</i>	Canary Island Pine	21	Good	<u>X</u>
6.	<i>Phoenix canariensis</i>	Canary Island Pine	16	Good	<u>X</u>
7.	<i>Phoenix canariensis</i>	Canary Island Pine	20	Good	<u>X</u>
8.	<i>Phoenix canariensis</i>	Canary Island Pine	19	Good	<u>X</u>
9.	<i>Liquidambar styraciflua</i>	Sweetgum	15	Fair	X
10.	<i>Liquidambar styraciflua</i>	Sweetgum	10	Fair	X



X – Trees to be Removed

Tree Nos. 1 – 8 added to removal list.

Trees to be Removed

Sanitary Sewers

page 90 Revise the Setting paragraph as follows:

Sanitary Sewers

There is an existing 10-inch City of Santa Clara sanitary sewer line on the west side of the project site in Halford Avenue feeding into one of two existing 10-inch City sanitary sewers in El Camino Real. Both of the lines in El Camino Real are currently flowing at or near capacity and are not available to serve the project without improvements. In addition, ~~a recent study by the City indicates~~ recent studies indicate that there is not capacity sufficient for the project available downstream in larger trunklines in Calabazas Boulevard or Bowers Avenue. The Calabazas Boulevard trunk limitation is due in part to a contractual reserve committed to the interconnected Cupertino Sanitary District system upstream of the project. The existing conveyance deficiencies have been identified within the context of the currently adopted General Plan potential development scenario that includes the proposed project.

pages 92-93 Revise the Impact and Mitigation section as follows:

Sanitary Sewers

Project

Sanitary sewer service for the project site is provided by the City of Santa Clara. The project is estimated to generate an average of approximately 0.10 million gallons per day (mgd) based on unit flow factors for building usages from the San Jose Water Pollution Control Plant. The 10-inch sanitary sewer line in Halford Avenue is available to serve the project; however, the two 10-inch sanitary sewer lines in El Camino Real downstream of the project are currently at or near capacity and are not available to serve the project. In addition, there is no capacity available downstream for the project in larger trunklines in Calabazas Boulevard or Bowers Avenue. The proposed increase of housing units and commercial area on the project site will require that additional capacity not currently available in the system be provided to serve the proposed project.

Recent Studies

Several recent studies have been conducted to analyze the City's sanitary sewer system, both in the westside project area and City-wide. They include the El Camino Sewer Evaluation Study October, 2006; the interim Westside Sanitary Sewer Study; and the City of Santa Clara Sanitary Sewer Capacity Assessment, May, 2007. The El Camino Sewer Evaluation Study was completed prior to the preparation of the Draft EIR and was the basis of the Sanitary Sewer assessment and mitigation. The other two studies that were described in the Draft EIR have now been completed. The Sanitary Sewer Capacity Assessment is the basis for the Final EIR Sanitary Sewer section. Copies of all of the sanitary sewer studies are available at the City Planning Department.

In addition, the City recently updated and revised Section 6.6.6 Sanitary Sewer of the General Plan; a copy of the General Plan text amendment is included in the report Appendix.

El Camino Real Sewer Evaluation Study

~~An El Camino Sewer Evaluation Study was recently completed. In addition to this Santa Clara Square project, there are two other proposed projects in the service area; one is a 278277-unit project on Granada Avenue and the other is a 6063-unit project on Lawrence Expressway. The Study, funded by agreement among these identified developments, analyzed these projects that are served by the two existing 10-inch lines in El Camino Real and monitored the flows for several weeks. Several segments of the El Camino Real lines were determined to be near or over capacity under existing land use conditions and when pending projects are added. The study also summarizes additional monitoring data for the trunk sewers provided by the City of Santa Clara. The study indicates also indicated that there is currently no additional capacity in the Bowers Avenue line and less than 4 mgd in the Calabazas Boulevard line, so additional capacity must be added to the system to meet the agreement requirement.~~

The Study looked at solutions to the capacity problem, and developed two alternatives:

- Alternative 1 – Increased capacity on El Camino Real from Flora Vista Avenue to Calabazas Creek and diversion to the Calabazas trunk sewer
- Alternative 2 – Increased capacity on El Camino Real from Flora Vista Avenue to Bowers Avenue and on the Bowers Avenue trunk sewer

Alternative 2 was the mitigation for the local sanitary sewer deficiency in the Draft EIR.

~~The City of Santa Clara has an agreement to provide the Cupertino Sanitary District with 13.8 mgd of peak capacity. The City has indicated that it does not wish to reduce any reserve capacity to accommodate pending developments within Santa Clara; therefore, Alternative 1 is not feasible.~~

~~Alternative 2 includes the construction of 1,800 feet of replacement 12-inch line from Flora Vista Avenue to Pomeroy Avenue and 2,650 feet of replacement 15-inch line on the south side of El Camino Real from Pomeroy Avenue to Bowers Avenue with a siphon under Calabazas Creek. The following improvements are also required on Bowers Avenue:~~

~~Section 1: 723 feet of 12-inch parallel line from Chromite Drive to Union Pacific Railroad (UPRR)~~

~~Section 2: 300 feet of replacement 30-inch line crossing UPRR~~

~~Section 3: 1,180 feet of parallel 12-inch line from UPRR to Walsh Avenue~~

~~These improvements would alleviate the restriction in the two 10-inch lines in El Camino Real and provide capacity for the pending projects. They would be funded on a development fair share payment by the project and each of the other two pending developments in the west side area. These improvements are intended to serve these identified projects, but additional capacity would be necessary to provide additional design capacity for other projects in the future.~~

Westside Sewer Study

An interim priority study of the westerly section of the city that includes the project site and the trunk lines in Calabazas Boulevard and Bowers Avenue was also initiated because of pending projects' immediate needs and has been essentially completed while the City-wide study was underway to better understand the capacity problems there. The study includes build-out of the adopted General Plan with approximately 3,000 to 3,500 additional residential units beyond the three pending projects. The results are expected to be similar to the El Camino Real Sewer Evaluation Study but will likely require an increase in the sizes of the trunk improvements to provide capacity for the additional units as well as additional capacity improvements required to meet the agreement requirements with the Cupertino Sanitary District and were incorporated into the City-wide study.

City-Wide Sewer StudyCity of Santa Clara Sanitary Sewer Capacity Assessment

The City of Santa Clara has engaged a consultant to conduct a city-wide study of the sanitary sewer trunk system. The study will define long term sewer needs and costs based on the currently adopted General Plan development scenario. Results of the city-wide study will be available in early 2007. The Capacity Assessment was prepared to complete a comprehensive evaluation of the capacity needs of the City's Trunk Sewer System to help identify future capital needs for capacity improvements and requirements for financing those improvements as well as to meet Regional and State regulatory requirements. The overall objectives of the Capacity Assessment study were to develop wastewater flow projections for the City's collection area using up-to-date water use and land use information; develop a hydraulic model of the trunk sewer system; use the model to identify capacity deficiencies in the existing system and future capacity requirements; and develop a phased Capital Improvement Program, including budget estimates, for implementing the required capacity improvements to the sanitary sewer system.

A systematic process that incorporated land use planning information, water use and flow monitoring data, and design criteria for estimating wastewater flows into a computer hydraulic model of the trunk sewer system was used. The model assessed how the system would perform under various planning scenarios and identified pipes that may not have sufficient capacity to convey the predicted flows under future conditions. Improvement projects were developed to provide the required capacity, the capital costs of the required projects were estimated, and the projects were prioritized based on the model results and anticipated timing of development.

The Capacity Assessment considered two scenarios: 1) the Existing Scenario based on existing development and flow monitoring data collected in early 2006, and 2) the Future Scenario based on all currently planned major development and increased densities consistent with the General Plan. The Future Scenario was used to examine the impacts on the system of new development and to determine the required sewer system capacity needed to serve that development. Model results were examined to determine specific trunk system capacity needs, as indicated by areas where the flow in the pipes would exceed the pipes' capacity.

To address the capacity deficiencies, potential flow routing and capacity improvement alternatives were developed and tested, proposed improvements were verified using the hydraulic model, and capacity improvement projects were developed. A total of nine improvement projects are recommended by the study. The plan incorporates the construction of a new siphon crossing Calabazas Creek at El Camino Real that was constructed in 2007 by the Santa Clara Valley Water District (SCVWD) as part of their Calabazas Creek Capacity Improvement Project, as well as a diversion connection to the 24-inch Calabazas trunk sewer at that location that was also constructed in 2007.

Project No. 8, which is the improvement of the 10-inch line in El Camino Real from Flora Vista Avenue to Calabazas Creek, and the work done by the SCVWD will provide capacity for the project and the two pending projects in the area. These improvements include the following:

- Replacement of the 10-inch line with a 12-inch line on the south side of El Camino Real from Flora Vista to Pomeroy.
- Replacement of the 10-inch line with a 15-inch line on the south side of El Camino Real from Pomeroy to Calabazas Creek.

Because it is anticipated that the 277-unit Taylor-Morrison/BRE project on Granada Avenue will be constructed first, they have agreed to complete the above improvements. If the improvements are not designed and constructed by Taylor-Morrison/BRE, then the developer of Santa Clara Square would be responsible for their design and construction prior to the occupancy of any phase of the project that contained residential dwelling units.

As currently proposed, Phase I is envisioned to be the development of Building I, which is an all commercial and office building. As currently proposed, Phases II through IV would all include residential dwelling units. If the phasing of development were to be amended in the future, however, the necessity of designing and constructing the sanitary sewer improvements would still be tied to the first phase of construction that contained residential dwelling units.

The City also reserves the option of requiring that any, or all, new elements of the sanitary sewer system be oversized beyond the minimum required to serve the project. The monies collected from other projects using the sewer improvements and from future increases to the Sanitary Sewer Outlet Charge will be used to reimburse the project for its cost to install the sewer improvements beyond its fair share. Reimbursement will occur as funds are received by the City.

In addition, there may be other local sanitary sewer system deficiencies beyond those identified in the recent studies. The project will be required to upgrade the sanitary sewer system in the vicinity. These upgrades could include, but are not limited to, laterals, manholes, and necessary extensions to the main lines in the street. All of this work will be completed to the satisfaction of the Director of Public Works at no cost to the City.

New Sanitary Sewer Conveyance Fee

In order to fund all of the sanitary sewer Capital Improvement Program projects, the City has adopted a New Sanitary Sewer Conveyance Fee for all new development. The project developer will be required to pay this fee, which is in addition to the existing sanitary sewer outlet and connection fees.

Project Development – Phase I

~~The project is not planned to begin until Spring, 2007.~~ Phase I of the project is the demolition of the existing 30,000 square foot retail buildings on the east side of Kohl's and the construction of a new 25,067-square-foot retail and office building along the west side of Kohl's on Halford Avenue. This change would have a very slight 0.0004 mgd increase in the sanitary sewer use compared to the current condition. Phase I may, therefore, be able to proceed without a significant impact on the lines in El Camino Real or the trunklines in Calabazas Boulevard or Bowers Avenue.

pages 95-96 Revise the Mitigation Measures as follows:

Sanitary Sewers

- ~~The project shall pay a fair share for the construction of new facilities to serve the project. These improvements may include, but are not limited to, replacement/installation of a 12/15-inch sanitary sewer line in El Camino Real from Flora Vista Avenue to Bowers Avenue, a siphon under Calabazas Creek, and improvements to the existing sewer line in Bowers Avenue from Chromite Drive to Walsh Avenue to the satisfaction of the Director of Public Works.~~ The project developer or Taylor-Morrison/BRE shall design and construct the following Westside Sewer Improvements to the satisfaction of the Director of Public Works in advance of occupancy for any residential units:
 - Replacement of the existing 10-inch VCP with a 12-inch VCP on the south side of El Camino Real From Flora Vista Avenue to Pomeroy Avenue.
 - Replacement of the existing 10-inch VCP with a 15-inch VCP on the south side of El Camino Real From Pomeroy Avenue to Calabazas Creek.
- The project developer shall install any required upgrades to the sanitary sewer system in the vicinity of the project including, but not limited to, laterals, manholes, and necessary extensions to the main lines to the satisfaction of the Director of Public Works.

- ~~The new sanitary sewer line and siphon in El Camino Real and the improvements to the Bowers Avenue trunkline shall be required to be constructed concurrently with the project and must be operational, to the satisfaction of the Director of Public Works, prior to the issuance of occupancy permits for any phases of the project that may exceed available capacity.~~

page 96 Revise the Conclusion as follows:

~~A fair share payment for the construction of new facilities to serve the project, including, but not limited to, replacement/installation of a 12/15-inch sanitary sewer line in El Camino Real from Flora Vista Avenue to Bowers Avenue, a siphon under Calabazas Creek, and improvements to the existing sewer line in Bowers Avenue from Chromite Drive to Walsh Avenue~~Design and construction of the El Camino Real sanitary sewer improvements from Flora Vista Avenue to Calabazas Creek, and upgrades of the sanitary sewer system in the vicinity; and no issuance of occupancy permits for any phases of the project that contain residential dwelling units until the new sanitary sewer line and siphon in El Camino Real and the improvements to the Bowers Avenue trunkline are~~is~~ operational to the satisfaction of the Director of Public Works would reduce the project's impact on the City sanitary sewer conveyance system to a **less-than-significant impact with mitigation.**

III. O. GLOBAL CLIMATE CHANGE

Introduction

Global climate change is the alteration of the Earth's weather including its temperature, precipitation, and wind patterns. Global temperatures are affected by naturally occurring and anthropogenic-generated atmospheric gases, such as carbon dioxide, methane, and nitrous oxide'. These gases allow sunlight into the Earth's atmosphere, but prevent radiative heat from escaping into outer space. This phenomenon is known as the greenhouse effect.

Human Influence on Climate

The world's leading climate scientists have reached consensus that global climate change is underway and is very likely caused by human beings.² A recent report by the Intergovernmental Panel on Climate Change (IPCC), an international group of scientists and representatives of 113 governments, concludes "the widespread warming of the atmosphere and ocean, together with ice-mass loss, support the conclusion that it is extremely unlikely that global climate change of the past 50 years can be explained without external forcing, and very likely that it is not due to known natural causes alone."³

The IPCC predicts temperature increase of between two and 11.5 degrees F by the year 2100, with temperatures most likely increasing by between 3.2 and 7.1 degrees F. Sea levels are predicted to rise by seven to 23 inches by the end of the century, with an additional 3.9 to 7.8 inches possible depending upon the rate of polar ice sheets melting from increased warming. The IPCC report states that the increase in hurricane and tropical cyclone strength since 1970 can likely be attributed to human-generated greenhouse gases.

According to the 2006 California Climate Action Team Report, the following climate change effects are expected in California over the course of the next century (per the IPCC):

- A diminishing Sierra snowpack declining by 70 to 90 percent, threatening the state's water supply;
- Increasing temperatures from 8 to 10.4 degrees F under the higher emission scenarios, leading to a 25 to 35 percent increase in the number of days ozone pollution levels are exceeded in most urban areas;

¹ IPCC, 2007: Summary for Policymakers. In: Climate Change 2007: The Physical Science Basis. Contribution of Working Group I to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change [Solomon, S., D. Qin, M. Manning, Z. Chen, M. Marquis, K.B. Averyt, M. Tignor and H.L. Miller (eds.)]. Cambridge University Press, Cambridge, United Kingdom and New York, NY, USA. Available at: <http://www.ipcc.ch/>.

² IPCC, 2007: Summary for Policymakers. In: Climate Change 2007: The Physical Science Basis. Contribution of Working Group I to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change [Solomon, S., D. Qin, M. Manning, Z. Chen, M. Marquis, K.B. Averyt, M. Tignor and H.L. Miller (eds.)]. Cambridge University Press, Cambridge, United Kingdom and New York, NY, USA. Available at: <http://www.ipcc.ch/>.

³ IPCC, 2007: Summary for Policymakers. In: Climate Change 2007: The Physical Science Basis. Contribution of Working Group I to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change [Solomon, S., D. Qin, M. Manning, Z. Chen, M. Marquis, K.B. Averyt, M. Tignor and H.L. Miller (eds.)]. Cambridge University Press, Cambridge, United Kingdom and New York, NY, USA. Available at: <http://www.ipcc.ch/>.

- Coastal erosion along the length of California and sea water intrusion into the Sacramento River Delta from a four- to 33-inch rise in sea level. This would exacerbate flooding in already vulnerable regions;
- Increased vulnerability of forests due to pest infestation and increased temperatures;
- Increased challenges for the state's important agriculture industry from water shortages, increasing temperatures, and saltwater intrusion into the Delta; and
- Increased electricity demand, particularly in the hot summer months.⁴

Regulatory Context for Global Climate Change

Agencies at the international, national, state, and local levels are considering strategies to control emissions of gases that contribute to global warming. There are strategies in place to reduce greenhouse gas emissions, including the international Kyoto Protocol, the U.S. "Twenty in Ten" plan (which is to reduce U.S. gasoline consumption by 20 percent over the next 10 years), U.S. 2007 Farm Bill (which provides funding for energy innovations and research), USEPA SmartWay Transport Partnership (which aims to reduce greenhouse gas emissions, fuel consumption, and pollutants from freight transportation operations), and the EnergyStar Program. Participation in these strategies is voluntary. There is no comprehensive strategy that is implemented on a global scale that addresses climate change. In addition, there are no established standards for gauging the significance of greenhouse gas emissions. Neither CEQA nor the CEQA Guidelines provide any methodology for analysis of greenhouse gases.

In the fall of 2006, Governor Schwarzenegger signed AB 32, the Global Warming Solutions Act, into law. AB 32 requires the California Air Resource Board (CARB) to adopt regulations and mechanisms that will reduce the state's greenhouse gas emissions to 1990 levels by the year 2020, which is a 25 percent reduction. Based on 2004 greenhouse gas emissions, the state would need to reduce the amount of greenhouse gas emissions by approximately 67.2 million metric tons of carbon dioxide equivalents (MMTCO₂E) to reach 1990 levels. By 2050, the state plans to reduce emissions by 80 percent below 1990 levels. Based on 2004 greenhouse gas emission levels, the state would need to reduce the amount of greenhouse gas emissions by approximately 390.3 MMTCO₂E to meet 80 percent below 1990 levels. The bill also requires CARB to adopt mandatory reporting rules for sources of substantial greenhouse gases by January 1, 2009, adopt a plan by January 1, 2009 that outlines how emission reductions will be achieved, and adopt regulations by January 1, 2011 to obtain the maximum technology feasible and cost-effective reductions in greenhouse gases.⁵

There is currently no statutory or case law, however, that provides guidance on the methodology and criteria for what constitutes a project impact, individually or cumulatively, to global warming. On August 24, 2007 Governor Schwarzenegger signed SB 97 which requires the Office of Planning and Research (OPR) to prepare, develop, and transmit to the Resources Agency guidelines for the mitigation of greenhouse gas emissions or the effects of greenhouse gas emissions, including, but not limited to, effects associated with transportation or energy

⁴ State of California, California Climate Action Team. Climate Action Team Reports. 20 April 2007. Available at: http://www.climatechange.ca.gov/climate_action_team/reports/index.html. Accessed 7 June 2007.

⁵ Office of the Governor of the State of California. Press Release: Gov. Schwarzenegger Signs Landmark Legislation to Reduce Greenhouse Gas Emissions. 27 September 2006. Available at: <http://gov.ca.gov/>.

consumption. The Resources Agency is required to certify and adopt these guidelines by January 1, 2010.

Project's Contribution to Global Climate Change

Under CEQA, the essential questions are whether a project creates or contributes to an environmental impact or is subject to impacts from the environment in which it would occur, and what mitigation measures are available to avoid or reduce impacts.

Greenhouse Gas Emissions

In California, the total carbon dioxide emissions from fossil fuel combustion in 2002 were 360 million tons, which is approximately seven percent of the United States' carbon dioxide emissions. Fossil fuel combustions accounts for most (98 percent) of California's total carbon dioxide emissions. Methane accounted for approximately six percent of climate change emissions and nitrous oxide emissions accounted for about seven percent of climate change emissions. Methane has a global warming potential 23 times that of carbon dioxide and nitrogen oxide is 296 times that of the same amount of carbon dioxide.⁶ Other contributing gases to global climate change include hydrofluorocarbons, perfluorocarbons, sulfur hexafluoride, aerosols, and water vapor.⁷ The primary sources of greenhouse gas emissions for the proposed project are anticipated to be combustion of fossil fuels from motor vehicles.

Vehicle Emissions

The proposed project is estimated to result in approximately 3,850 net average daily trips. Assuming the average vehicle trip length is approximately three miles, future users of the site are estimated to travel approximately 11,550 miles per day.

The carbon dioxide emission rate for a year 2030 vehicle mix is about 515 grams or 1.13 pounds per mile.⁸ Based on the estimated miles traveled for the project and the carbon dioxide emission rate assumption, the daily project total carbon dioxide vehicle emissions would be approximately 0.006 metric tons per day (or 2.2 metric tons per year). As discussed in Section III. C. Air Quality, development of the project in the far-term would emit approximately 71.7 pounds of nitrogen oxide a day (or 0.0325 metric tons per day, which equates to 12 metric tons per year).

There is no regulatory standard or guideline by a federal, state, or regulatory agency to be able to measure carbon dioxide, or nitrogen oxide emissions to definitively determine whether the project emissions would directly or cumulatively result in a significant global climate change impact. Based on the small percentage increase in greenhouse gas emissions the proposed project would generate these contributions are not anticipated to be cumulatively significant. Additionally, the project proposes a high density, mixed-use development. The provision of high density, transit-oriented mixed-use development at an infill location is consistent with smart growth principles and would not be wasteful in its generation of greenhouse gases.

⁶ 14 United States Energy Information Administration. Comparison of Global Warming Potentials from the Second and Third Assessment Reports of the Intergovernmental Panel on Climate Change (IPCC). 12 August 2002. Available at: <http://www.eia.doe.gov/oiaf/1605/gwp.html>.

⁷ California Environmental Protection Agency, Climate Action Team. Climate Action Team Report to Governor Schwarzenegger and the Legislature. March 2006. Pages 11-15.

⁸ This reference is to the City of San José. Coyote Valley Specific Plan Draft Environmental Impact Report. March 2007. , since the Santa Clara General Plan does not address this issue.

Other Emissions Sources

Additional unknown quantities of greenhouse gases would be emitted as part of the proposed project from the manufacture and transport of building materials, operation of construction equipment, and other project related activities. There currently are no readily available methods of quantifying additional greenhouse gases from the manufacturing and transportation of building materials, the operation of construction equipment, or other activities and sources (other than electricity and automobile use). For this reason it can be assumed that the project's total greenhouse gas emissions are more than identified above.

As described in Section III. D. Biological Resources, up to a total of 70 trees could be removed by the project. In general, a healthy tree stores approximately 13 pounds of carbon dioxide a year.⁹ As the trees on the site are removed there would be an interim loss of approximately 800 pounds of carbon dioxide sequestration a year, and loss of cooling from tree canopies. These effects would be mitigated over time as replacement trees on the site and in other areas of the City mature and provide the carbon dioxide sequestering and provide shading benefits and measures for removal of carbon dioxide.

Impacts to the Proposed Project from Global Climate Change

Given the global climate change trends described in this section, CEQA requires that reasonably foreseeable impacts from global climate change be predicted at a meaningful scale. Given the climate change predictions for California, it is reasonably foreseeable that local temperatures could increase by as much as seven to 11.5 degrees over the course of this century with or without the proposed project. This increase in temperature could lead to other climate effects including, but not limited to, increased flooding due to increased precipitation and runoff and a decrease in the Sierra snowpack (a major water source). As described in Section III. I. Hydrology and Water Quality, the site is located within the 100-year flood hazard zone; future flooding conditions on the project site from global warming cannot be predicted at this time. The Santa Clara Valley Water District is the public agency entrusted with providing adequate water supply and flood control within Silicon Valley and is currently considering how to address both these issues associated with climate change.

Conclusion

Given the overwhelming scope of global climate change, it is not anticipated that a single development project would have an individually discernable effect on global climate change (e.g., that any increase in global temperature or rise in sea level could be attributed to the emissions resulting from one single development project). Rather, it is more appropriate to conclude that the greenhouse gas emissions generated by the proposed project would combine with emissions across the state, nation, and globe to cumulatively contribute to global climate change.

Declaring an impact significant or not implies some knowledge of incremental effects that is several years away, at best. The project's nominal percentage increase in greenhouse gas emissions would not impede the state's ability to reach the emission standards set forth in AB 32. The infill, transit-oriented, high density, mixed-use development proposed by the project is the type of new development that is anticipated to result in a land use pattern that supports the state's effort to reach AB 32 emissions standards. For this reason, this project would not make a cumulatively considerable contribution to global climate change.

⁹ United States Department of Agriculture Forest Service, Southern Region. Benefits of Urban Trees. Urban and Community Forestry: Improving Our Quality of Life. Forestry Report R8-FR 17. April 1990. Reprinted April 1997. Available at: http://www.fs.fed.us/na/Morgantown/uf/benefits_urban_trees/index.htm#.